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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 TIMOTHY ROBERT PETROZZI,

11 Petitioner,

12 v.

13 THURSTON COUNTY SUPERIOR
14 COURT, THURSTON COUNTY
15 CORRECTIONS, WASHINGTON
STATE DSHS, and WESTERN STATE
HOSPITAL,

16 Respondents.

CASE NO. 3:17-cv-05677-RBL-JRC

ORDER ON MOTION TO STRIKE
AND MOTION TO AMEND

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18 The District Court has referred this petition for a writ of habeas corpus to United States
19 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §§ 636
20 (b)(1)(A) and (B) and local Magistrate Judge Rules MJR3 and MJR4.

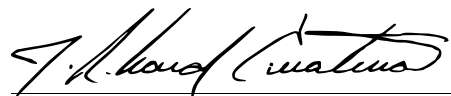
21 Petitioner Timothy Robert Petrozzi has filed a motion asking the Court to strike an earlier
22 praecipe and "page 442" from his supplement. Dkt. 33. Petitioner states that "page 442" was not
23 intended to be submitted with his other materials. *Id.* Because these are both petitioner's own
24 filings, and because respondent has not yet been served with the petition, the Court grants

1 petitioner's motion to strike. It will not consider petitioner's praecipe (Dkt. 17) or page 442 of
2 his supplement (Dkt. 16) during its determination of his habeas petition.

3 Petitioner has also filed a motion to amend, requesting that the Court allow him to attach
4 a summons and complaint to his amended petition. Dkt. 34. To the extent petitioner is asking the
5 Court for leave to file an amended petition, the Court had already provided petitioner until June
6 22, 2018 to file an amended petition when he filed his motion on June 18, 2018. Thus, petitioner
7 already had leave to amend when he filed his motion. Further, he signed his amended petition on
8 June 21, 2018, before the deadline for filing an amended petition had lapsed. Thus, he filed his
9 amended petition within the initial deadline and his motion to amend is moot.

10 Insofar as petitioner requests to include a "summons and complaint" with his petition,
11 this is a federal habeas proceeding, not a civil suit. As such, petitioner may not properly file a
12 complaint or summons. If he desires damages or relief other than overturning his convictions and
13 release from confinement, he should include them in a separate civil suit. Plaintiff's motion to
14 amend (Dkt. 34) is denied as moot.

15 Dated this 6th day of July, 2018.

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18 J. Richard Creatura
19 United States Magistrate Judge
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